

1 THE HONORABLE JOHN C. COUGHENOUR  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 GEORGE SCHMIDT, *et al.*,

11 Plaintiffs,

v.

12 SAMSUNG ELECTRONICS  
13 AMERICA, INC., *et al.*,

14 Defendants.

CASE NO. C16-1725-JCC

ORDER GRANTING PLAINTIFFS'  
MOTION TO APPOINT INTERIM  
CLASS COUNSEL

15 This matter comes before the Court on Plaintiffs' motion to appoint interim co-lead class  
16 counsel (Dkt. No. 52). Having thoroughly considered the parties' briefing and the relevant  
17 record, the Court finds oral argument unnecessary and hereby GRANTS the motion for the  
18 reasons explained herein.

19 **I. BACKGROUND**

20 Plaintiffs filed a putative class action against Defendants Samsung Electronics America,  
21 Inc., Samsung Electronics Co., Ltd., and Samsung SDI America, Inc. on November 4, 2016, for  
22 allegations stemming from the Samsung Galaxy Note7. (Dkt. No. 1 at 3.) Plaintiffs allege  
23 violations of the Washington Consumer Protection Act and the Washington Product Liability  
24 Act, in addition to breach of warranty of merchantability and unjust enrichment. (Dkt. No. 1 at  
25 21–27.) Plaintiffs seek to designate their current counsel as interim co-lead class counsel. (Dkt.  
26

ORDER GRANTING PLAINTIFFS' MOTION TO  
APPOINT INTERIM CLASS COUNSEL

PAGE - 1

1 No. 52.) Defendants oppose the appointment. (Dkt. Nos. 55, 56.)

2 **II. DISCUSSION**

3 Federal Rule of Civil Procedure 23(g)(3) provides that the Court *may* designate interim  
4 class counsel before certification of a class. The appointment of interim counsel is discretionary  
5 and is particularly suited to complex actions. *See, e.g., In re Seagate Tech. LLC Litig.*, 2016 WL  
6 3401989, at \*2 (N.D. Cal. June 21, 2016).

7 Defendants' primary opposition to appointment of interim lead counsel was the absence  
8 of similar cases. (Dkt. No. 55 at 2.) However, since Defendants' response in opposition (filed  
9 March 27, 2017), a class action complaint was filed in the Middle District of Pennsylvania  
10 involving the same phone at issue here. (Dkt. No. 58 at 3) (citing *Farmer v. Samsung Electronics*  
11 *America, Inc.*, 17-CV-564-MEM (M.D. Pa.)). This fact significantly weakens Defendants'  
12 position. Moreover, given Plaintiffs' counsels' qualifications to serve as interim counsel, and the  
13 discretion district courts retain in appointing interim lead counsel, the Court finds it appropriate  
14 to appoint interim co-lead class counsel.

15 **III. CONCLUSION**

16 For the foregoing reasons, Plaintiffs' motion for appointment of interim co-lead class  
17 counsel (Dkt. No. 52) is GRANTED. Plaintiffs' current counsel, Keller Rohrback L.L.P and  
18 McCune Wright Arevalo L.L.P., are hereby appointed interim co-lead class counsel.

19  
20  
21 DATED this 2nd day of May 2017.

22  
23  
24  
25  
26



John C. Coughenour  
UNITED STATES DISTRICT JUDGE